

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**DERYL L. BAKER and SHERI L. BAKER
a/k/a SHERI JONES,**

Plaintiffs,

v.

**JP MORGAN CHASE BANK, N.A.,
successor by merger to Chase Manhattan
Mortgage Corp. and successor by merger to
CHASE HOME FINANCE, LLC, SHELLIE
WALLACE, individually, WILSON &
ASSOCIATES, LLC, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., and MERSCORP,
collectively as MERS,**

Defendants.

Case No. _____

**Removed from the Chancery
Court of Davidson County
Case No. 12-1502-I**

NOTICE OF REMOVAL

Defendants JP Morgan Chase Bank, National Association, individually and as successor by merger to Chase Manhattan Mortgage Corp., and as successor by merger Chase Home Finance, LLC (“Chase”), Mortgage Electronic Registration Systems Inc. and MERSCORP (“MERS”) (collectively “Defendants”), by and through their undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, file this notice of removal from the Chancery Court of Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division. In support of this Notice of Removal, Defendants state as follows:

I. FACTS AND PROCEEDINGS

1. On or about October 19, 2012, Deryl L. Baker and Sheri L. Baker a/k/a Sheri Jones (“Plaintiffs”) filed a Complaint against Defendants, Shellie Wallace, and Wilson &

Associates, PLLC in the Chancery Court of Davidson County, Tennessee. The state court case is styled: *Deryl L. Baker and Sheri L. Baker v. JP Morgan Chase Bank, N.A., et al.*, Case No. 12-1502-I.

2. The Complaint appears to be based on alleged events related to a parcel of residential property located at 165 Timber Ridge Drive, Nashville, Davidson County, Tennessee (the “Property”). In the Complaint, Plaintiffs assert certain claims against Defendants related to the scheduled foreclosure of Plaintiffs’ Property and servicing of the underlying note and related deed of trust. (*See generally* Compl.)

II. THIS NOTICE IS TIMELY FILED

3. This removal is timely because it is filed within thirty days of receiving the copy of the initial pleading. 28 U.S.C. § 1446(b)(1) (2011). Defendants were served with the Complaint and the corresponding summons no earlier than October 24, 2012.

III. REMOVAL PROCEDURES

4. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a) (2011).

5. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1441(a). Defendants seek to remove this case to the United States District Court for the Middle District of Tennessee. The Chancery Court of Davidson County, Tennessee is located within this District and cases arising from Davidson County are properly assigned to the Nashville Division of this Court. *See* 28 U.S.C. § 123(a)(1).

6. In compliance with 28 U.S.C. § 1446(a), a copy of all “process, pleadings, and orders” received by the Defendants is attached as Exhibit A.

IV. THIS COURT HAS FEDERAL QUESTION JURISDICTION

7. The Court has federal question jurisdiction over Plaintiffs’ Complaint because certain claims alleged arise under the laws of the United States. *See* 28 U.S.C. § 1331. When a complaint pleads a federal cause of action, a federal court has federal question subject matter jurisdiction over the entire action.

8. Within the Complaint, Plaintiffs allege a violation of the Fair Debt Collection Practices Act (FDCPA). (Compl. ¶¶ 222-233.) Congress has granted this Court original jurisdiction in all cases arising under the laws of the United States. 28 U.S.C. § 1331. Plaintiff’s Complaint therefore arises under the laws of the United States because the FDCPA is a law of the United States. *See* 15 U.S.C. § 1692k (providing for a private right of action under the FDCPA).

9. Plaintiffs further allege a violation of the Racketeer Influenced and Corrupt Organizations Act (RICO). (Compl. ¶¶ 179-198.) RICO is a law of the United States, thus providing this Court with original jurisdiction. *See* 18 U.S.C. § 1964(c) (authorizing “[a]ny person injured in his business or property by reason of a violation of section 1962” to sue for treble damages in federal court).

10. This Court also has supplemental jurisdiction over Plaintiffs’ state law claims because they are so related to the federal claims that they form part of the same cause or controversy. 28 U.S.C. § 1367. Plaintiffs’ claims do not raise novel or complex issues of state law, and Plaintiffs’ claims that do not have a federal statutory basis do not substantially predominate over Plaintiff’s federal claims. *See* 28 U.S.C. § 1367(c).

11. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

V. CONCLUSION

WHEREFORE, Defendants respectfully request the above-captioned action now pending in the Chancery Court for Davidson County, Tennessee, be removed to the United States District Court for the Middle District of Tennessee, that this Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted,

/s/ Lauren Paxton Roberts

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*Counsel for Defendants, JP Morgan Chase Bank,
N.A. and MERS*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by United States First Class Mail, postage prepaid, on this 26th day of November, 2012 upon:

John A. Barney
WILSON & ASSOCIATES
8 Cadillac Drive, Suite 120
Brentwood, TN 37027

Deryl L. Baker
Sheri Baker
165 Timber Ridge Drive
Nashville, TN 37217

s/ Lauren Paxton Roberts
Lauren Paxton Roberts